IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2443 OF 2006
IN
APPEAL NO. 539 OF 2006
IN
Notice of Motion No. 1349 of 2005
IN
SUIT NO. 923 OF 2005

Mr. Mohamed Hussain Tailor .. Appellant.

V/s.

Madhavlal N. Pittie .. Respondent.

Ms.Geeta Shastri i/by M/s. Khilnani & Co. for the Applicant- Appellant.

Ms. Snehal Modi for the Respondent.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 15th SEPTEMBER, 2006.

P.C.:

. We are informed by Ms. Geeta Shastri, the counsel for the Applicant- Appellant that sum of Rs.50,000/- (Rupees Fifty thousand) as directed in the order dated 1st of September, 2006 has been deposited by the Applicant -Appellant with the Prothonotary and Senior Master of this Court within time.

2. The counsel for the Respondent does not dispute this position.

3. We, accordingly, dispose of this Notice of Motion by the following order :-

i. The Applicant-Appellant shall deposit a sum of Rs.10,000/-(Rupees ten thousand) every six months with the Prothonotary & Senior Master of this Court until the disposal of the Appeal.

ii. The first of such payment shall be made on or before 10th January, 2007.

iii. The second payment shall become due on or before 10th July, 2007 and so on and so forth.

iv. Any default in the aforesaid payment, shall render the Applicant-Appellant liable to eviction from the subject premises.

v. The amount of Rs.50,000/- (Rupees fifty thousand) deposited by the Applicant-Appellant is permitted to be withdrawn by the Respondent.

vi. The six monthly payment as and when deposited by the Applicant-Appellant is also permitted to be withdrawn by the Respondent.

vii. Notice of Motion stands disposed of accordingly.

(R.M.LODHA,J)

(S.A.BOBDE,J)